

SUPPLEMENTAL INSTRUCTION

The first step in obtaining a patent is the filing of a patent application that includes (1) a written specification, which may include one or more claims; (2) figures to support the invention; and (3) applicable fees.

Until the patent issues, the applicant has no right to bar others from using or practicing the invention described in the application. Once it issues, however, persons that continue to use or practice the invention claimed in the issued patent may be liable in damages for doing so without a license from the patent owner.

The invention exists from the date of its earliest filed description. In this case, Danisco contends that the claimed invention was not properly described in the November 16, 2000 patent application. Novozymes contends that it was. You may find that the invention was “properly described” if you find that it satisfied the requirements of a written description as explained to you on pages 4-5 of your instructions.